

May 3, 2000

Dear Reviewer:

In 1999, the Rock Springs Field Office prepared the *Environmental Assessment for Wild Horse Gathering Inside and Outside of Wild Horse Herd Management Areas*. The proposed action was approved in the July 14, 1999 Decision Record and allowed for removal of 1,750 excess wild horses from public and private lands in the Rock Springs Field Office area (see the attached map) to achieve appropriate management levels. The BLM removed 349 excess wild horses in 1999. Therefore, BLM plans to continue removal of excess wild horses starting July 15, 2000.

BLM is attaching a copy of the Federal Register Notice for resuming gathering operations in 2000. Gathering operations would be in accordance with the Decision Record approved July 14, 1999, Appendix A (Wild Horse Capture Plan) and Appendix B (Washington Office Instruction Memorandum 99-053 - *Selective Removal Criteria for Wild Horse and Burro Gathers*). The Decision Record, including the appendices, and the associated analysis can be downloaded from the internet at: <http://www.wy.blm.gov/currentnews/wildhorses/WILDHORSEADOPTION.HTML>.

Also attached is a copy of the Determination of Land Use Conformance and NEPA (National Environmental Policy Act) Adequacy form that BLM prepared for the year 2000 gather. This form documents that BLM has reviewed the year 2000 gather in relation to the environmental analysis conducted in 1999 to determine whether the analysis remains adequate. BLM has determined the analysis done in 1999 is adequate and that continuing to gather excess wild horses in the year 2000 within the Rock Springs Field Office area remains within the scope of that analysis.

Should you have any questions, please contact me at (307) 352-0201.

Sincerely,

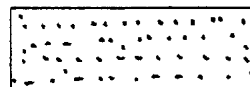
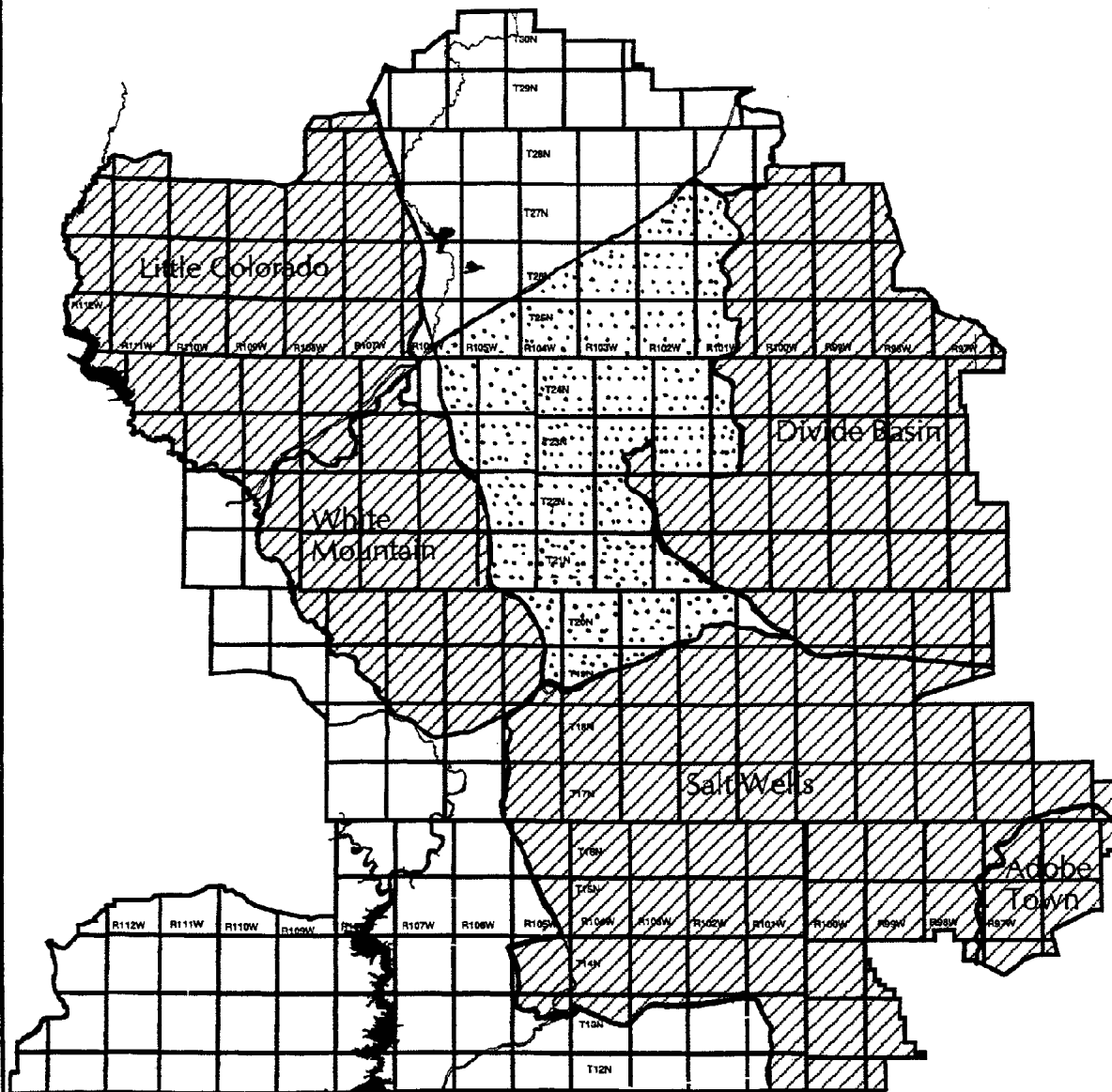
/s/ John S. Mckee

Field Manager

Attachments

Wild Horse Management Areas

Rock Springs Field Office



NORTH BAXTER/
JACK MORROW

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-040-00-1060-HI]

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Gather Excess Wild Horses During Calendar Year 2000.

SUMMARY: The Bureau of Land Management (BLM), Rock Springs Field Office, prepared an environmental assessment for wild horse gathering inside and outside of wild horse herd management areas in 1999. The proposed action to gather excess wild horses to appropriate management levels was approved in a decision record on July 14, 1999. Gathering of excess wild horses to appropriate management levels was not completed in 1999. BLM is scheduled to continue gathering operations in the year 2000. The environmental assessment and decision record are available for review at the Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming. It is also available via the world wide web at:

<http://www.wy.blm.gov/currentnews/wildhorses/WILDHORSEADOPTION.HTML>

The planned gathering period will extend from July 15, 2000 until inclement weather prevents gathering operations. Up to 800 wild horses may be removed from four wild horse herd management areas including Great Divide Basin, White Mountain, Little Colorado, and Salt Wells Creek. Excess wild horses outside of the herd management areas in the North Baxter/Jack Morrow hills areas may also be removed.

FOR FURTHER INFORMATION CONTACT: John (Stan) McKee, Field Manager,
Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901
(307-352-0201).

DATE: May 3, 2000

/s/John S. McKee

Field Manager

**U.S. Department of the Interior Bureau of Land Management
Rock Springs Field Office**

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

A. DESCRIBE THE PROPOSED ACTION

Continue to gather wild horses in the Rock Springs Field Office as described in the *Environmental Assessment for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas* (EA) and approved in the *Decision Record and Finding of No Significant Impact for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas* (DR), July 14, 1999. The Proposed Action is to reach appropriate management level (AML) in the Rock Springs Field Office area with the exception of the Salt Wells Creek Wild Horse Herd Management Area (HMA). It was determined that in the year 1999, approximately 1,750 horses needed to be removed from the Great Divide Basin, White Mountain, Little Colorado, and Salt Wells Creek HMAs and outside the HMAs in the North Baxter/Jack Morrow Hills area to reach AML. During 1999, 349 excess wild horses were removed from the Rock Springs Field Office area. Therefore, the BLM must continue gathering excess wild horses in the year 2000 (as approved in the DR, July 14, 1999) until AML is achieved. Gathering operations would be in accordance with the Appendix A - Wild Horse Capture Plan, and Appendix B - Washington Office Instruction Memorandum 99-053 - *Selective Removal Criteria for Wild Horse and Burro Gathers* (see DR).

B. LAND USE PLAN (LUP) CONFORMANCE

LUP Name: Green River Resource Management Plan ***Date Approved:*** August 7, 1997

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decision:

Page 23 of the approved *Green River Resource Management Plan* (RMP) provides management objectives and actions specific to wild horses. The RMP states in part . . . “[s]elective gathering programs will be implemented in each of the wild horse herd management areas.” In addition, management actions direct that “[o]ther resource uses will be maintained and protected consistent with those resource management objectives while maintaining viable, healthy, wild horse herds, and appropriate herd management levels.”

Additional Comments:

Gathering of excess wild horses is in conformance with Public Law 92-195 (Wild Free-Roaming Horse and Burro Act of 1971) as amended by Public Law 94-579 (Federal Land Policy and Management Act) as amended, and Public Law 95-514 (Public Rangelands Improvement Act). Public Law 92-195, as amended, requires the protection, management, and control of wild free-roaming horses and burros on

public lands.

BLM regulations, 43 CFR 4700.0-6(a-c), for management of wild horses is to: a) “...manage as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat; b)...considered comparably with other resource values; and c)...maintaining free-roaming behavior.”

Taylor Grazing Act of 1934, as amended, mandates allocation of forage for domestic livestock and therefore, applies to wild horse management.

C. IDENTIFY APPLICABLE NEPA DOCUMENTS AND OTHER RELATED DOCUMENTS THAT COVER THE PROPOSED ACTION

List by name and date all applicable NEPA documents that cover the proposed action:

Environmental Assessment for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas (WY-040-EA9-041) and Decision Record and Finding of No Significant Impact for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas, approved July 14, 1999.

Big Sandy Grazing Environmental Statement (addresses management and gathering of excess wild horses), and the decision found in the *Rangeland Program Summary*, issued February 1979, as updated in 1983 and September 1990.

Salt Wells/Pilot Butte Grazing Environmental Statement (addresses management and gathering of excess wild horses), and *Record of Decision and Rangeland Program Summary*, approved February 1984, as updated in September 1990.

Wild Horse Herd Management Plans for Great Divide Basin Wild Horse HMA, approved 3/19/82.

Wild Horse Herd Management Plans for White Mountain Wild Horse HMA, approved 11/22/82.

Wild Horse Herd Management Plans for Salt Wells Creek Wild Horse HMA, approved 3/19/82.

Interim management of wild horses in the Little Colorado HMA is covered under the Green River Resource Management Plan, approved August 7, 1997.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report):

A biological assessment was prepared for the resource management plan. The U.S. Fish and Wildlife Service (FWS) concurred with BLM's determination of not likely to adversely affect listed, proposed for listing, or candidate for listing plant and animal species resulting from management actions associated with implementation of the RMP, including gathering excess wild horses. Since the RMP was approved, new species have been listed by the FWS. Therefore, BLM initiated informal consultation through phone conversations with Pat Deibert, Wildlife Biologist, FWS, on April 11 and 12, 2000, regarding potential impacts to listed, proposed for listing, and candidate for listing species. FWS concurred that due to the timing of gathering operations and adherence to the gathering plan (Appendix A, EA and DR), the proposed action was not likely to adversely affect any listed, proposed, or candidate for listing species due to gathering of excess wild horses. Rationale for the conclusion is provided in Table 1 at the end of this document.

The March 13, 1981 Order from the District Court of Wyoming (Mountain States Legal Foundation and Rock Springs Grazing Association *vs* Cecil Andrus, C79-275K) requires BLM to remove all wild horses from checkerboard lands except for the number of wild horses the Rock Springs Grazing Association agrees to leave in the area. The EA provides details about the District Court Order (EA, page 1 and Chapter V).

D. NEPA ADEQUACY CRITERIA

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?

The current proposed action is a continuation of the action analyzed under the *Environmental Assessment for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas*, as approved in the *Decision Record and Finding of No Significant Impact for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas*, July 14, 1999. Gathering would continue in those areas analyzed in the aforementioned EA. Since not all excess wild horses were removed in 1999 and the population can increase by approximately 20 percent in any given year, more horses will need to be removed to achieve AMLs.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

The *Environmental Assessment for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas* considered several alternatives including closure of HMAs to livestock grazing and alternative gathering methods (hay and water trapping and helicopter/roping method). These two alternatives were dropped from further consideration since they were impracticable to implement. The proposed action and a no action alternative were analyzed in detail.

3. *Is the existing analysis valid in light of any new information or circumstances?*

The impacts of the alternatives analyzed remain valid. However, the question of how wild horse gathering may affect or impact threatened, endangered, proposed for listing, or candidate for listing species should be further documented. Through informal consultation with FWS on April 11 and 12, 2000 (phone conversations with Pat Deibert, Wildlife Biologist), FWS concurred with BLM's determination of not likely to adversely affect listed, proposed for listing, or candidate for listing plant and animal species that potentially occur in the Rock Springs Field Office area due to gathering operations. Rationale for this determination is attached in Table 1.

4. *Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?*

The methodology and analytical approach used in the *Environmental Assessment for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas* continues to be appropriate.

5. *Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?*

Discussion of the direct and indirect impacts of the proposed action can be found on pages 17-19 of the *Environmental Assessment for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas* and remain unchanged except that with the advent of the 2000 foaling season, the number of excess wild horses may increase as much as 20 percent from the numbers given in the EA (see Appendix D - Population Model). Impacts of gathering excess wild horses are animal-specific as opposed to site-specific since once gathered, the excess wild horses are removed from the area. Refer to Appendix A (EA and DR, page A-2) for a discussion of capture methods, and herding and stress reduction procedures.

6. *Are the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?*

As stated in the aforementioned EA, maintaining wild horse numbers at AML would cumulatively benefit wildlife, domestic livestock, vegetation, and soils. Adverse cumulative impacts would occur over the long term from allowing unchecked growth of wild horse populations. A discussion of such impacts can be found under the no action alternative section (EA, pages 21-24). Assuming an approximate 20 percent annual increase in wild horse population (EA, page 22), impacts to vegetation and soils could occur, as would increased competition for forage between wild horses, domestic livestock, and wildlife.

Consideration of the cumulative impacts to the long-term viability of wild horse herds from management and gathering operations can be found on pages 17-22, and Appendix D of the EA. Maintaining wild horse

populations at AML will result in no adverse cumulative impacts to the long-term viability of the managed wild horse herds and will aid in the attainment of a thriving ecological balance of their habitat.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

The Wyoming State Office sought comment from the public for wild horse gathering for the Rawlins and Rock Springs Field Offices prior to preparation of the *Environmental Assessment for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas*. In addition, the Rock Springs Field Office mailed the EA to 170 individuals, organizations, and agencies having an interest in wild horses, wildlife, and livestock grazing issues. The Rock Springs Field Office received 12 comment letters in response to the EA. Six of the letters and one oral comment supported removal of excess wild horses although two letters indicated concern with leaving wild horses above the AML. The remaining six letters disagreed with removal of wild horses from public lands and AML numbers. The Decision Record was signed July 14, 1999, and was not appealed.

The Wyoming State Office held public meetings with wild horse groups on November 8, 1999 and February 10, 2000. A hearing for use of helicopters in gathering operations for 2000 was held on February 14, 2000 in Rock Springs.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the NEPA analysis and preparation of this worksheet:

Preparers/Consultants

Teri Deakins - Environmental Protection Specialist, Rock Springs Field Office
Thor Stephenson - Wild Horse Specialist/Range Specialist, Rock Springs Field Office
Jim Dunder - Wildlife Biologist, Rock Springs Field Office
Lorraine Keith - Wildlife Biologist, Rock Springs Field Office
Jim Glennon - Botanist, Rock Springs Field Office
Sheila Keating - Contact Representative, Rock Springs Field Office
Pat Deibert - Wildlife Biologist, FWS (informal consultation)

Reviewers

Ron Hall - Supervisory Natural Resource Specialist - Horses, Rock Springs Field Office
Bernie Weynand - Assistant Field Manager - Resources, Rock Springs Field Office
Andy Tenney, Outdoor Recreation Planner, Rock Springs Field Office
Patricia Hamilton, Realty Specialist, Rock Springs Field Office
Lance Porter, Range Management Specialist, Rock Springs Field Office
John MacDonald, Soils, Rock Springs Field Office

Russ Tanner, Archeologist, Rock Springs Field Office
Don Glenn - Wild Horse Specialist, Wyoming State Office
Dave Roberts - Wildlife Biologist, Wyoming State Office
Angelina Pryich - Editor

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

/s/ John S. McKee
Signature of the Responsible Official

May 3, 2000
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

Table 1
Threatened, Endangered, Proposed and Candidate Species
Potentially Affected by the Year 2000 Wild Horse Gathering

Species	Status ¹	Expected Occurrence	Potential Effect
Bald eagle (<i>Haliaeetus leucocephalus</i>)	T	Nesting, Winter Resident, Migrant.	Not likely to adversely affect. Gathering operations and trap sites located away from nesting habitat; operations start mid-July.
Black-footed ferret (<i>Mustela nigripes</i>)	E	Potential resident in certain prairie dog complexes.	Not likely to adversely affect. Gathering operations do not occur in prairie dog complexes due to the potential for horse injuries.
Whooping crane (<i>Grus americana</i>)	E	Resident, migrant. Ponds and marshes.	Not likely to adversely affect. Gathering operations do not occur in potential habitat.
Bonytail chub (<i>Gila elegans</i>), Colorado pikeminnow (<i>Ptychocheilus lucius</i>), Humpback chub (<i>Gila cypha</i>), Razorback sucker (<i>Xyrauchen texanus</i>)	E	Fish species, outside of gathering areas.	Not likely to adversely affect. Gathering operations will not result in water depletions in the Colorado River Drainage.
Canada lynx (<i>Lynx canadensis</i>)	T	Resident of forest areas, may occur adjacent to forest.	Not likely to adversely affect. Gathering operations do not occur in potential habitat.
Ute ladies'-tresses (<i>Spiranthes diluvialis</i>)	T	Lower Platte River drainage, (possible in Sweetwater and Uinta counties in riparian areas, next to flowing water).	Not likely to adversely affect. Gathering operations will not occur in potential habitat. Gathering takes place in upland areas.
Mountain plover (<i>Charadrius montanus</i>)	P	Grassland and low-growing shrub habitats.	Not likely to adversely affect. Gathering operations will occur outside nesting period.
Small rockcress (<i>Arabis pusilla</i>)	C	Granite-pegmatite outcrops in southern Wind River Range.	Not likely to adversely affect. Gathering operations do not occur in potential habitat.
Swift fox (<i>Vulpes velox</i>)	C	Primarily found in prairie regions in Wyoming but may reside in other areas.	Not likely to adversely affect. Swift fox are likely to avoid the immediate area where gathering operations are taking place, or to seek shelter.

¹/ E = Endangered, T = Threatened, P = Proposed for Listing, C = Candidate for Listing